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EXAMINER
RAVETTI, DANTE

ART UNIT	PAPER NUMBER
3685	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *30 January 2007*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-129* is/are pending in the application.
    4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *See Continuation Sheet* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *30 January 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☒ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims withdrawn from consideration are 4,8-10,13-16,18,21,24,26,28,29,35,40-51,55,59,60,62-65,67,70,73,75,77,78,84 and 89-129.

Continuation of Disposition of Claims: Claims rejected are 1-3,5-7,11,12,17,19,20,22,23,25,27,30-34,36-39,52-54,56-58,61,66,68,69,71,72,74,76,79-83 and 85-88.

DETAILED ACTION

Acknowledgements

1.   This communication is in response to the original Application No. 10/574,808

filed on January 30, 2007.

2.   Claims 1-3, 5-7, 11-12, 17, 19-20, 22-23, 25, 27, 30-34, 36-39, 52-54, 56-58, 61,

66, 68-69, 71-72, 74, 76, 79-83 and 85-88 are currently pending and have been fully

examined.

3.   Claims 4, 8-10, 13-16, 18, 21, 24, 26, 28-29, 35, 40-51, 55, 59-60, 62-65, 67, 70

73, 75, 77-78, 84 and 89-129 have been withdrawn from consideration by the

Applicant.

4.   For the purpose of applying the prior art, PreGrant Publications will be referred to

using a four digit number within square brackets, e.g. [0001].

Election/Restrictions

5.   Applicant's election, without traverse, of claims 1-3, 5-7, 11-12, 17, 19-20, 22-23,

25, 27, 30-34, 36-39, 52-54, 56-58, 61, 66, 68-69, 71-72, 74, 76, 79-83, 85-88 in the

reply filed on March 17, 2009 is acknowledged.

Priority

6.   Priority for this application is set to October 10, 2003, the filing date of the

Foreign Application #: 0323836.7.

7.   The later-filed application must be an application for a patent for an invention

which is also disclosed in the prior application (the parent or original non-provisional

application or provisional application). The disclosure of the invention in the parent

application and in the later-filed application must be sufficient to comply with the

requirements of the first paragraph of 35 U.S.C. §112.[1]

Specification

8.   Objection to the Specification is being made. The title of the invention is not

sufficiently descriptive. A new title is required that is clearly indicative of the invention to

which the claims are directed. The following title is suggested: "User authentication in a

mobile telecommunication system."

Claim Rejections - 35 USC § 101

9.   35 U.S.C. §101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

10.   Claims 1-3, 5-7, 11-12, 17, 19-20, 22-23, 25, 27, 30-34, 36-39, 52-54, 56-58, 61,

66, 68-69, 71-72, 74, 76, 79-83 and 85-88 are rejected under 35 U.S.C. §101 because

the claimed invention is directed to non-statutory subject matter.

Based on Supreme Court precedent[2] and recent Federal Circuit decisions, a

§101 process must (1) be tied to another statutory class (such as a particular

apparatus) or (2) transform the underlying subject matter (such as an article or

---

[1] See <u>Transco Products, Inc. v. Performance Contracting, Inc.,</u> 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

[2] Diamond v. Diehr, 450 U.S. 175, 209 USPQ 1 (1981); Parker v. Flook, 437 U.S. 584, 588 n.9 (1978);
Gotsschalk v. Benson, 409 U.S. 63, 70, 71 (1972); Cochrane v. Deener, 94 U.S. 780, 787-88 (1876). The
Supreme Court recognize that this test is not necessarily fixed or permanent and may evolve with
technological advances;

materials) to a different state or thing. <u>In addition, the tie to a particular apparatus, for example, cannot be mere extra-solution activity.</u>[3]

An example of a method claim that would not qualify as a statutory process would be a claim that recited purely mental steps.

To meet prong (1), the method step should positively recite the other statutory class (the thing or product) to which it is tied. This may be accomplished by having the claim positively recite the machine that accomplishes the method steps. Alternatively or to meet prong (2), the method step should positively recite identifying the material that is being changed to a different state or positively recite the subject matter that is being transformed.

In this particular case, claim 1 fails prong (1) because there exist no "tie" to another statutory class (such as a particular apparatus) to perform the following steps of:

the entity generates transaction data…

at least during the authentication process…

the method includes the step…

wherein in order to authenticate…

Therefore, claim 1 does not meet the requirements of the first prong (1).

Additionally, the claim(s) 1 fail prong (2) because the method steps do not transform the underlying subject matter to a different state or thing

---

[3] See In re Bilski, 88 USPQ2d 1385 (Fed. Cir. 2008);

Claims 2-3, 5-7, 11-12, 17, 19-20, 22-23, 25, 27, 30-34 and 36-39 are also

rejected for being dependent upon rejected claim 1. The appropriate correction is

required.

As to claim 52, is also rejected for appearing to be a Hybrid claim (a claim

containing a mixed subject matter).[4]   The appropriate correction is required.

Claims 53-54, 56-58, 61, 66, 68-69, 71-72, 74, 76, 79-83 and 85-88 are also

rejected for being dependent upon rejected claim 52. The appropriate correction is

required.

Claim Rejections - 35 USC § 112, 2nd

11.   The following is a quotation of the second paragraph of 35 U.S.C. §112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

12.   Claims 52-54, 56-58, 61, 66, 68-69, 71-72, 74, 76, 79-83 and 85-88 are rejected

under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly

point out and distinctly claim the subject matter which applicant regards as the

invention.

As to claim 52, it is considered to be a Hybrid claims since a person of ordinary

skill in the art would recognize that the claim encompasses at least two statutory

classes of invention. Evidence that Claim 1 recites an apparatus includes: The

limitation beginning ("Data processing apparatus..."), dependent Claim 53, which begins

"Apparatus according to claim 52...." Evidence to support a construction that the claim

is drawn to a method includes "...each for storing predetermined authentication

---

[4] MPEP §2173.05(p) II

information relating to the carrying out of an authentication process for authenticating a transaction with an entity by means...to generate transaction data relating to the transaction,...authentication process being carried out by authentication means...and involving the use of the predetermined authentication...in order to authenticate the transaction, the transaction data is transmitted between the data...." Because of the conflicting evidence, the claim is considered a Hybrid claim and the appropriate correction is required.

Claims 53-54, 56-58, 61, 66, 68-69, 71-72, 74, 76, 79-83 and 85-88 are also rejected for being dependent upon rejected claim 52. The appropriate correction is required.

As to claims 22 and 71, Applicant recites, "...comprising using said carrier to obtain security data independently of the data processing apparatus, and analysing the security data for determining whether to allow access to the predetermined information..." However, it is unclear which security data the Applicant is referring to. One of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The appropriate correction is required.

As to claims 36 and 85, Applicant recites, "...including routing communications between the authentication storage means and **the system** via the transaction manager." However, it is unclear which "system" the Applicant is referring to. One of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The appropriate correction is required.

As to claims 37 and 86, Applicant recites, "…wherein the transaction manager is **implemented** by the data processing apparatus." However, it is unclear what the Applicant means by, **implemented**. One of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The appropriate correction is required.

Claims 1-3, 5-7, 11-12, 17, 19-20, 22-23, 25, 27, 30-34, 36-39, 52-54, 56-58, 61, 66, 68-69, 71-72, 74, 76, 79-83 and 85-88 rejected as failing to define the invention in the manner required by 35 U.S.C. §112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

Claim Rejections - 35 USC § 102

13.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. §102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14.   Claims 1-3, 5-7, 12, 52-54, 56-58, 61, 36-39 and 85-88 are rejected under 35 U.S.C. §102(e) as being anticipated by Malinen et al., (US 2003/0028763) ("*Malinen*").

As to claims 1 and 52:

Malinen expressly teaches:

> the entity generates transaction data relating to the transaction (See at least Abstract, [0005]-[0007], [0070]-[0074]), and
>
> at least during the authentication process the data processing apparatus has operatively associated with it a selected one of a plurality of authentication storage means each for storing predetermined authentication information (See at least Abstract, [0006], [0009], [0011], [0016], [0067]),
>
> the authentication storage means being registerable with a common system (See at least [0157], [0180]),
>
> the method including the step of carrying out the authentication process via a communications link with that system, the authentication process being carried out by authenticating means incorporated in the system and involving the use of the predetermined authentication information stored by the selected one authentication storage means and the transaction data (See at least Abstract, [0006], [0009], [0011], [0016], [0076], [0079], Figure 8-10),
>
> wherein in order to authenticate the transaction, the transaction data is transmitted between the data processing apparatus and the system via a transaction manager implemented by the data processing apparatus, and the predetermined authentication information is also transmitted between the authentication storage means and the system via the transaction manager (See at least Abstract, [0006]-[0007], [0009], [0011], [0023], [0070]-[0074]).

As to claims 2 and 53:

Malinen expressly teaches:

> in which the predetermined authentication information stored by each authentication storage means corresponds to information which is used to authenticate a user of that authentication storage means in relation to the system (See at least Abstract, [0009], [0011], [0067]).

As to claims 3 and 54:

Malinen expressly teaches:

> wherein the system is a telecommunications system (See at least [0010], [0023], [0067], [0080], [0083], [0175]).

As to claim 4:

(Cancelled)

As to claims 5 and 56:

Malinen expressly teaches:

> wherein each user is authenticated in the telecommunications system by means
> of the use of a smart card or subscriber identity module (e.g. SIM), and in which
> the authentication storage means respective to that user corresponds to or
> simulates the smart card for that user (See at least [0024], [0067], [0074], [0080],
> [0084]).

As to claims 6 and 57:

Malinen expressly teaches:

> wherein the smart card or SIM authenticates the transaction when the smart card
> or SIM is operable in a terminal usable in a mobile and/or cellular
> telecommunications system (See at least Abstract, [0006], [0009], [0011], [0067],
> [0074], [0080]).

As to claims 7 and 58:

Malinen expressly teaches:

> wherein the smart card or SIM is operable to authenticate the terminal in the
> mobile and/or cellular telecommunications system (See at least Abstract, [0006],
> [0009], [0011], [0067], [0074], [0080]).

As to claims 8-10:

(Cancelled)

As to claims 12 and 61:

Malinen expressly teaches:

> in which the authentication process involves the sending of a message and the
> generation of a response dependent on the message and the predetermined
> information (See at least [0011], [0062], [0074], [0081], [0085], [0088], Figure 3,
> 6, 10).

As to claims 13 – 16, 18, 21, 24, 26, 28-29, 35, 40-51

Have been canceled by the Applicant.

As to claims 36 and 85:

Malinen expressly teaches:

> including routing communications between the authentication storage means and the system via the transaction manager (See at least [0009], [0011], [0074]).

As to claims 37 and 86:

Malinen expressly teaches:

> wherein the transaction manager is implemented by the data processing apparatus (See at least [0009], [0011], [0074]).

As to claims 38 and 87:

Malinen expressly teaches:

> wherein the transaction manager detects the operative coupling of the authentication storage means (See at least [0080]-[0082], [0084]-[0085], Figure 1).

As to claims 39 and 88:

Malinen expressly teaches:

> wherein the transaction manager transmits data relating to an authenticated transaction to the entity to which that transaction relates (See at least [0084]-[0086], [0088], [0095]-[0097], [0101]-[0104]).

Claim Rejections - 35 USC § 103

15.   The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

16.   Claims 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over

Malinen.

As to claims 11:

Malinen discloses as discussed above; however, *Malinen* does not expressly teach:

>   in which the authentication storage means is incorporated on a data carrier for
>   data or software for use by that data processing apparatus.

However, incorporating an authentication storage means on a data carrier is an attribute

for the data carrier. Incorporating an authentication storage means on a data carrier is

old and well known in the art.

17.   Claims 17, 19-20, 22-23, 25, 27, 66, 68-69, 71-72, 74 and 76 are rejected under

35 U.S.C. §103(a) as being unpatentable over *Malinen* and in view of Tayloe, (US

5,933,785) ("*Tayloe*").

As to claims 17 and 66:

Malinen discloses as discussed above; however, *Malinen* does not expressly teach:

>   including operatively coupling the authentication storage means to a carrier.

However, _Tayloe_ expressly teaches:

> including operatively coupling the authentication storage means to a carrier (See at least Abstract, Figure 2-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify _Malinen_ to include the features of _Tayloe_ because including a authenticating storage means in a carrier provides protection for it.

As to claims 19 and 68:

Malinen discloses as discussed above; however, _Malinen_ does not expressly teach:

> wherein the carrier is operatively coupled to the data processing apparatus by a wireless link.

However, _Tayloe_ expressly teaches:

> wherein the carrier is operatively coupled to the data processing apparatus by a wireless link (See at least (Col. 4, lines 45-65)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify _Malinen_ to include the features of _Tayloe_ because having a carrier coupled to a apparatus via a wireless link provides for efficient and easy access to processing apparatus.

As to claims 20 and 69:

Malinen discloses as discussed above; however, _Malinen_ does not expressly teach:

> wherein the authentication storage means is removably coupled to the carrier.

However, _Tayloe_ expressly teaches:

> wherein the authentication storage means is removably coupled to the carrier
> (See at least Abstract, (Col. 1, lines 14-21), (Col. 2, lines 59-67),(Col. 4, lines 1-
> 17)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify _Malinen_ to include the features of _Tayloe_ because it may be desired

to interchange authentication storage means with different carriers.

As to claims 22 and 71:

Malinen discloses as discussed above; however, _Malinen_ does not expressly teach:

> comprising using said carrier to obtain security data independently of the data
> processing apparatus, and analysing the security data for determining whether to
> allow access to the predetermined information.

However, _Tayloe_ expressly teaches:

> comprising using said carrier to obtain security data independently of the data
> processing apparatus, and analysing the security data for determining whether to
> allow access to the predetermined information (See at least (Col. 2, lines 59-67)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify _Malinen_ to include the features of _Tayloe_ because it may be

desirable to provide some type of security to ensure that only properly authorized user's

have access to information on the SIM or smart card.

As to claims 23 and 72:

Malinen discloses as discussed above; however, _Malinen_ does not expressly teach:

> wherein the security data is obtained by alphanumeric data entry means.

However, _Tayloe_ expressly teaches:

> wherein the security data is obtained by alphanumeric data entry means (See at
> least (Col. 3, lines 15-22), (Col. 5, lines 55-60), Figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify _Malinen_ to include the features of _Tayloe_ because alphanumeric

data entry allows for a well know method of inputting data which provides access to

control information.

As to claims 25 and 74:

Malinen discloses as discussed above; however, _Malinen_ does not expressly teach:

> wherein the security data comprises a Personal Identification Number (PIN) and
> the analysing step compares the PIN obtained by the security data entry means
> with a PIN stored on the authentication storage means and only allows access to
> the predetermined information when the respective PINs match.

However, _Tayloe_ expressly teaches:

> wherein the security data comprises a Personal Identification Number (PIN) and
> the analysing step compares the PIN obtained by the security data entry means
> with a PIN stored on the authentication storage means and only allows access to
> the predetermined information when the respective PINs match (See at least
> (Col. 2, lines 59-67)).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify _Malinen_ to include the features of _Tayloe_ because it may be

desirable to provide some type of security to ensure that only properly authorized user's

have access to information on the SIM or smart card.

As to claims 27 and 76:

Malinen expressly teaches:

> wherein communication with the data processing apparatus is controlled by a
> data processing module (See at least Abstract, [0006]-[0007], [0009], [0011]).

18.   Claims 30-34 and 79-83 are rejected under 35 U.S.C. §103(a) as being

unpatentable over *Malinen* and in view of *Tayloe* and in further view of Schneier et al.,

(US 2003/0177347) ("*Schneier*").

As to claims 30 and 79:

The combination of *Malinen/Tayloe* discloses as discussed above; however, the

combination of *Malinen/Tayloe* does not expressly disclose:

> wherein the data processing module of the carrier decrypts encrypted data
> received from the data processing module of the data processing apparatus.

However, *Schneier* expressly teaches:

> wherein the data processing module of the carrier decrypts encrypted data
> received from the data processing module of the data processing apparatus (See
> at least [0138]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of *Malinen/Tayloe* to include the features of

Schneier because it may be desirable to maintain data security by ensuring a

decryption/encryption process is being employed between device communications with

each other.

As to claims 31 and 80:

The combination of *Malinen/Tayloe* discloses as discussed above; however, the

combination of *Malinen/Tayloe* does not expressly disclose:

> wherein the data processing module of the carrier encrypts data transmitted to
> the data processing module of the data processing apparatus.

However, *Schneier* expressly teaches:

> wherein the data processing module of the carrier encrypts data transmitted to
> the data processing module of the data processing apparatus (See at least
> [0138]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of *Malinen/Tayloe* to include the features of

Schneier because it may be desirable to maintain data security by ensuring a

decryption/encryption process is being employed between device communications with

each other.

As to claims 32 and 81:

The combination of *Malinen/Tayloe* discloses as discussed above; however, the

combination of *Malinen/Tayloe* does not expressly disclose:

> wherein the respective data processing modules comprise a key for allowing
> encryption and/or decryption of data.

However, *Schneier* expressly teaches:

> wherein the respective data processing modules comprise a key for allowing
> encryption and/or decryption of data (See at least [0138]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of *Malinen/Tayloe* to include the features of

Schneier because it may be desirable to maintain data security by ensuring a

decryption/encryption process is being employed between device communications with

each other.

As to claims 33 and 82:

The combination of *Malinen/Tayloe* discloses as discussed above; however, the

combination of *Malinen/Tayloe* does not expressly disclose:

> wherein the key comprises a shared secret key for each of the respective data
> processing modules.

However, *Schneier* expressly teaches:

> wherein the key comprises a shared secret key for each of the respective data
> processing modules (See at least [0212]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the combination of *Malinen/Tayloe* to include the features of

Schneier because it may be desirable to maintain data security by ensuring a

decryption/encryption process is being employed between device communications with

each other.

As to claims 34 and 83:

Malinen discloses as discussed above; however, *Malinen* does not expressly disclose:

> wherein the carrier is operatively coupled to a plurality of authentication storage
> means for respectively enabling the said authentication process and one or more
> other authentication processes.

However, *Tayloe* expressly teaches:

> wherein the carrier is operatively coupled to a plurality of authentication storage
> means for respectively enabling the said authentication process and one or more
> other authentication processes (See at least Abstract, Figure 2-3)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to modify _Malinen_ to include the features of _Tayloe_ because including a

authenticating storage means in a carrier provides protection for it.

19.   **Examiner's Note**: The Examiner has pointed out particular references contained

in the prior art of record within the body of this action for the convenience of the

applicant. Although the specified citations are representatives of the teachings in the art

and are applied to the specific limitations within the individual claim, other passages and

figures may apply. Applicant, in preparing the response, should consider fully the entire

reference as potentially teaching all or part of the claimed invention, as well as the

context of the passage as taught by the prior art or disclosed by the Examiner.

Conclusion

20.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure.

> - Resneck, (US 2002/0002545); [0026] As shown in FIG. 1, a portable transaction device 10 is
> conveniently configured to be the size of a credit card that can fit easily into a pocket, a wallet, or
> a purse. The transaction device 10 has at least one, preferably more than one, storage medium
> for storing account access information that can be read by a reading device for accessing an
> anonymous account. For instance, the transaction device 10 includes one or more of a bar code
> 12, a magnetic strip 14, a CD-ROM 16, a smart-card microprocessor 18 which may be provided
> with digital storage, and the like. The different storage media on the device 10 may contain the
> same or different information. The body of the transaction device 10 as shown is a shaped CR-
> ROM 16. The CD-ROM 16 may be a write-once read-only CD-R. The reading device for reading
> information stored in the storage media may be an optical scanner, a magnetic data reader, an
> electronic data reader, or the like. As such, the device 10 may be used in traditional brick-and-
> mortar establishments as well as in the virtual world of electronic commerce.

Any inquiry concerning this communication or earlier communication from

the examiner should be directed to Mr. Dante Ravetti whose telephone number is

(571) 270-3609. The examiner can normally be reached on Monday – Thursday

9:00am-5:00pm.

If attempts to reach examiner by telephone are unsuccessful, the

examiner's supervisor, Mr. Calvin Hewitt may be reached at (571) 272-6709. The

fax phone number for the organization where this application or proceeding is

assigned is (571) 270-4609.

Information regarding the status of an application may be obtained from

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